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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ENVIRONMENTAL PROTECTION)	Case No. 3:22-cv-03520-TLT
INFORMATION CENTER, et al.,)	
Plaintiffs,)	DECLARATION OF MICHAEL
vs.)	R. LOZEAU IN SUPPORT OF
ALECIA VAN ATTA, et al.,)	PLAINTIFFS' MOTION FOR
Defendants.)	ATTORNEYS' FEES, COSTS, AND
)	OTHER EXPENSES
)	

1 I, Micheal R. Lozeau, hereby declare:

2 1. I am a partner in the law firm Lozeau Drury LLP based in Oakland, California.
3 Our firm represents Indian tribes, neighborhood associations, non-profit conservation
4 organizations, and labor groups seeking to preserve and restore a clean and healthy environment.

5 2. I earned a B.A. in Zoology from University of New Hampshire in 1983, and
6 graduated with Honors from Rutgers Law School-Newark in 1989. While in law school, I helped
7 establish the Rutgers Public Interest Law Foundation.

8 3. In 1989, I became an Associate Attorney with Earthjustice (then the Sierra Club
9 Legal Defense Fund) in its office in San Francisco. From 1994 to 1999, I served as the Executive
10 Director of Waterkeepers Northern California, and served as the San Francisco Baykeeper, based
11 in San Francisco. From 1999 through 2004, I was a staff attorney with the Earthjustice
12 Environmental Law Clinic at Stanford Law School, and a Lecturer at Stanford Law School,
13 teaching environmental law. On January 1, 2005, I left Earthjustice and Stanford Law School to
14 return to practicing public interest environmental law in private practice. For the last 20 years,
15 the last seventeen years as a founding partner at Lozeau Drury LLP, I have continued my work
16 representing groups in administrative and court actions addressing a variety of land use, water
17 quality, endangered species and other environmental issues.

18 4. I have extensive experience representing clients in cases in the U.S. District Court
19 for the Northern District of California, and in the other federal district courts in California, on
20 matters involving the Clean Water Act, the Endangered Species Act, the National Environmental
21 Policy Act, and other federal environmental laws. I also have extensive experience representing
22 clients in California state courts related to state law counterparts to these federal statutes.

23 5. As a managing partner of our law firm, I am well aware of prevailing market rates
24 for attorneys who practice federal (and state) environmental law in the Northern District and in
25 San Francisco Bay area courts generally. It is my opinion that such rates are currently in the
26 range of \$800 to over \$1,100 per hour. I have obtained this knowledge through my own
27 experience of practicing law in the San Francisco Bay area, as well as my discussions with other
28 attorneys, including attorneys who have successfully brought motions for attorney's fees.

1 6. For example, over the last few years, I have typically obtained hourly rates of
2 \$900 to \$1,000 per hour in actions brought in the U.S. District Courts for the Northern and
3 Central Districts of California settling claims under the federal Clean Water Act. Although the
4 attorney fee rates and hours in these settlements were not contested, the rates are based on my
5 market rate for the San Francisco area through the end of 2024.

6 7. Based on my knowledge, experience, and research, I am aware that the prevailing
7 market rate for associates with comparable experience as associates at Lozeau Drury LLP who
8 worked on this case range from \$400 to \$575 in the San Francisco area. I am also aware that
9 market rates for paralegals range from \$200 to \$395 in the San Francisco area.

10 8. In January 2025, in the case *Supporters Alliance For Environmental*
11 *Responsibility*, Case No. 23STCP00195 (Los Angeles Superior Court), I was awarded a market
12 rate fee of \$1,000 per hour. In my experience, market rate attorneys fees in Los Angeles are the
13 same or similar to the San Francisco market rates.

14 9. Another useful benchmark in determining reasonable market rates is the adjusted
15 *Laffey Matrix*, named after *Laffey v. Northwest Airlines, Inc.* (D.D.C. 1983) 572 F. Supp. 354,
16 371. In the past, my reasonable hourly rate has been supported, in part, by a court's reference to
17 the *Laffey Matrix*. See *San Francisco Baykeeper v. W. Bay Sanitary Dist.*, No. C-09-5676 EMC,
18 2011 WL 6012936, at *7–8 (N.D. Cal. Dec. 1, 2011) (in motion for interim fees in a Clean Water
19 Act matter, federal court relied on *Laffey Matrix* to set reasonable hourly rates in San Francisco
20 Bay area and noting that as of 2011 Michael Lozeau's market rate was \$650 per hour). The
21 adjusted *Laffey Matrix* is available on-line at: <http://www.laffeymatrix.com/see.html>. According
22 to the most recent adjusted *Laffey Matrix*, current market rates are: paralegals - \$258; 1-3 year
23 lawyers - \$473; 4-7 year lawyers - \$581; 8-10 year lawyers - \$839; 11-19 year lawyers - \$948;
24 20+ year lawyers - \$1141.

25 10. I have carefully reviewed the parties' motions and memoranda in this case,
26 including the cross-motions for summary judgment, and the Rule 59(e) proceeding, as well as the
27 Plaintiffs' motion for fees and costs, and supporting documentation. I have also carefully
28 reviewed the Court's orders in this case. I am familiar with the underlying statutes, regulations,

1 and caselaw at issue in this case. In my view, successfully prosecuting this case on behalf of the
2 Plaintiffs required particular skill and experience in the specialized field of federal environmental
3 law and, in this case, Peter M. K. Frost and Sangye Ince-Johannsen exhibited that skill and
4 experience to prevail on behalf of their clients.

5 11. I have reviewed Mr. Frost's and Mr. Ince-Johannsen's timesheets. Their
6 timesheets are more than sufficiently detailed. Their entries have the specificity that is
7 appropriate in order to bill private law firm clients. Their omissions appear to be appropriate, as
8 well. The amount of time they seek is reasonable for a case of this detail and complexity.

9 12. I noted above my knowledge and understanding of market value rates in this
10 forum for attorneys of Mr. Frost's and Mr. Ince-Johannsen's skills, and their levels of
11 experience. In my view, in their motion, Mr. Ince-Johannsen seeks reasonable hourly rates, and
12 Mr. Frost seeks hourly market rates somewhat below prevailing rates, for attorneys of their skill
13 and experience prosecuting a case of this detail and complexity.

14 I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. §
15 1746(2).

16 Executed on May 2, 2025.

/s/ Michael R. Lozeau

Michael R. Lozeau